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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas DODT et al.

Group Art Unit: 1733

Appln. No. : 09/800,477

Examiner: A. C. Johnstone

Filed : March 8, 2001

For : MOTOR VEHICLE WHEEL WITH A TIRE PLACED ON A WHEEL RIM  
AND A SOUND-ABSORBENT INSERT AS WELL AS A PROCESS FOR  
MANUFACTURING A SOUND-ABSORBENT INSERT

**RESPONSE TO NOTIFICATION OF NON-COMPLIANCE**

Commissioner For Patents  
PO Box 1450,  
Alexandria, Virginia 23313-1450

This paper is responsive to the Notification of Non-compliance mailed on September 24, 2003.

In above-noted Notification, the Examiner asserted that the Appeal Brief filed on July 7, 2003 was not in compliance with various portions of Rule 1.192(c).

The Examiner explained that the Appeal Brief does not contain a statement of the status of the claims or that it does not identify the appealed claims. Appellant respectfully disagrees. The Examiner should review page 2, section "C" of the Appeal Brief for the required status of claims. Moreover, Appellant also provided an Appendix listing each and every claim on appeal (see pages 31-33 of the Appeal Brief). Appellant notes the Examiner's

comments that the status of claims 4 and 5 has not been identified in the Appeal Brief. However, the Examiner should note that claims 4 and 5 have not been rejected (i.e., they have been objected to) and are not being appealed in the Appeal Brief. Thus, contrary to the Examiner's assertions, there is no requirement that the Appeal Brief discuss these claims. Appellant has clearly identified the appealed claims as required by 37 C.F.R. 1.192(c)(3), and the Examiner has not demonstrated otherwise.

With regard to the Examiner's statement that claims 4 and 5 will be treated as rejected unless claim 1 is found to be allowable by the Board, Appellant submits that every effort will be made to deal with claim 1 in an appropriate manner upon receipt of a Board decision on this Appeal.

The Examiner has asserted that the Appeal Brief does not present arguments for each claim which is not indicated to stand or fall together. Appellant respectfully disagrees. Apparently the Examiner has not carefully reviewed the Appeal Brief. The Examiner should review page 12, section "G" of the Appeal Brief which indicates that no claims stand or fall together. Moreover, Appellant has specifically addressed each claim as rejected in the Final Office Action. Moreover, Appellant has addressed each feature asserted to be indefinite and/or to constitute new matter. To the extent that the Examiner believes that the rejection of certain claims has not been specifically traversed, the Examiner should identify the same so that Appellant can specifically address the same in a Supplemental Appeal Brief. Thus,

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contrary to the Examiner's assertion, Appellant submits that each feature asserted to be new matter and/or indefinite, and each claim specifically identified in the Final Office Action has been addressed in the Appeal Brief.

The Commissioner is authorized to charge any additional fee or to credit any overpayment to Deposit Account No. 19-0089.

Respectfully submitted,  
Thomas DODT et al.

  
Reg. No. 45,294

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Neil F. Greenblum  
Reg. No. 28,394

October 2, 2003  
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